

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

**RECEIVED**

MAR - 4 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**In the Matter of**

**Implementation of the  
Pay Telephone Reclassification  
and Compensation Provisions of the  
Telecommunications Act of 1996**

**CC Docket No. 96-128****To: Chief, Common Carrier Bureau****PETITION FOR WAIVER**

Pine Belt Telephone Company ("Pine Belt"), by counsel, hereby requests this waiver, to the extent necessary, of the requirement that, by March 9, 1998, local exchange carriers ("LECs") must provide payphone-specific coding digits ("Payphone Coding") in order to facilitate per-call compensation required to be paid by interexchange carriers ("IXCs") to payphone service providers ("PSPs").<sup>1</sup> As demonstrated herein, good cause exists for this waiver<sup>2</sup> because it is technically infeasible for Pine Belt to comply with the March 9, 1998, deadline for providing Payphone Coding to PSPs. Accordingly, Pine Belt requests a brief

<sup>1/</sup> See Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, Report and Order, 11 FCC Rcd 20541 (1996)("Payphone Order"); Order on Reconsideration, 11 FCC Rcd 21233 (1996)("Payphone Reconsideration Order"); Order, CC Docket No. 96-128, DA 97-2214 (rel. October 7, 1997); Second Report and Order, CC Docket No. 96-128, FCC 97-371 (rel. October 9, 1997).

<sup>2/</sup> "The Commission may exercise its discretion to waive a rule where particular facts would make strict compliance inconsistent with the public interest." WATT Radio v. FCC, 418 F.2d 1153, 1159 (D.C. Cir. 1969). Waiver of a Commission rule is appropriate where (1) the underlying purpose of the rule will not be served, or would be frustrated, by its application in a particular case, and grant of the waiver is otherwise in the public interest, or (2) unique facts or circumstances render application of the rule inequitable, unduly burdensome or otherwise contrary to the public interest, and there is no reasonable alternative. Northeast Cellular Telephone Co., L.P. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

extension of time until June 30, 1998 to provide the Payphone Coding function. This limited waiver will enable Pine Belt to continue its planned deployment of Flex Automatic Numbering Information ("Flex ANI") software capable of providing the Payphone Coding function. In support thereof, Pine Belt shows the following:

Pine Belt is an incumbent LEC headquartered in Arlington, Alabama, serving approximately 2,360 access lines within rural Wilcox, Marengo, and Clarke Counties. Pine Belt planned to use a Line Information Data Base ("LIDB") service to comply with the Payphone Coding requirement,<sup>3</sup> and anticipated that this service would provide Payphone Coding in a manner consistent with that required by the Commission.<sup>4</sup> Pine Belt evaluated its options in providing Payphone Coding and determined that a LIDB solution would be most suitable for its network. Pine Belt did not believe that the purchase of the Flex ANI software was justified since it anticipates that Flex-ANI would only be used to meet its obligations to provide Payphone Coding.<sup>5</sup>

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<sup>3/</sup> See Declaration of John Nettles, President of Pine Belt. The declaration bears a facsimile signature. The original declaration will be filed with the Commission upon receipt by counsel.

<sup>4/</sup> See Payphone Order, 11 FCC Rcd at 20591 (¶ 98); Payphone Reconsideration Order, 11 FCC Rcd at 21265-266 (¶ 64).

<sup>5/</sup> Pine Belt currently provides service to 8 payphones. Pine Belt estimates that it will cost approximately \$4,450 to deploy Flex ANI software in its switch facilities.

Due to the uncertainty associated with whether the Commission will permit small LECs technical options<sup>6</sup> with respect to Payphone Coding, i.e., either through LIDB-based services or Flex ANI,<sup>7</sup> it is unclear whether Pine Belt's planned use of LIDB will comply with Commission directives. Out of an abundance of caution, therefore, Pine Belt has placed an order for Flex ANI software. According to Pine Belt's switch manufacturer, the Flex ANI software will be available in mid-June. In light of the impending March 9, 1998, deadline, Pine Belt files this request for waiver.

Based on discussions with its switch manufacture, Pine Belt anticipates that its requested ninety (90) day extension will permit it to install, test, and deploy Flex ANI software in its switch facilities. Pine Belt submits that this brief delay in the provision of Payphone Coding is outweighed in light of its overall desire to make only what it believed to be justified network investments.

In light of these specific facts and circumstances, Pine Belt submits that this request for waiver, until June 30, 1998, to provide Payphone Coding is warranted and in the public interest.

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<sup>6/</sup> The Commission previously has recognized the need to provide to smaller LECs technical options for the provision of new services. See, e.g., In the Matter of Policies and Rule Concerning Operator Service Access and Pay Telephone Compensation, CC Docket No. 91-35, Third Report and Order, 11 FCC Rcd 17021 (1996), Memorandum Opinion and Order, CC Docket No. 91-35, DA No. 96-2169 (rel. December 20, 1996); see also Payphone Order, 11 FCC Rcd at 20590-591 (¶ 97), Payphone Reconsideration Order, 11 FCC Rcd at 21278 (¶ 93); In the Matter of Provision of Access for 800 Service, Memorandum Opinion and Order on Reconsideration and Second Supplemental Notice of Proposed Rulemaking, CC Docket No. 86-10, 6 FCC Rcd 5421 at 5426 (1991) citing Report and Order, 4 FCC Rcd at 2829, n.90.


<sup>7/</sup> See Public Notice, CC Docket No. 96-128, DA 97-2214, released October 20, 1997; see also The United States Telephone Association Petition for Waiver, filed September 30, 1997; the LEC ANI Coalition Petition for Waiver, filed September 30, 1997; and TDS Communications Corporation Petition for Waiver, filed October 1, 1997.

Good cause being shown, Pine Belt requests this waiver to the extent deemed necessary.

Respectfully submitted,

**PINE BELT TELEPHONE COMPANY**

By

  
Thomas J. Moorman  
Margaret Nyland

Its Attorneys

Kraskin, Lesse & Cosson, LLP  
2120 L Street, NW  
Suite 520  
Washington, DC 20037

202/296-8890

March 4, 1998

***Pine Belt Telephone Company, Inc.***

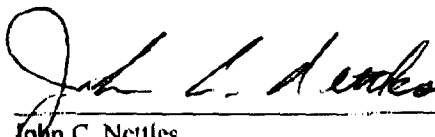
***3984 County Rd. 32 - P.O. Box 278***

***Arlington, Alabama 36722***

***Phone (334) 385-2106***

**DECLARATION OF JOHN C. NETTLES**

I, John C. Nettles, President of Pine Belt Telephone Company, Inc., do hereby declare under penalties of perjury that I have read the foregoing "Petition for Waiver" and the information contained therein is true and accurate to the best of my knowledge, information, and belief.

  
\_\_\_\_\_  
John C. Nettles  
President

Date: March 4, 1998

**Certificate of Service**

I, Shelley Bryce, of Kraskin, Lesse & Cosson, LLP, 2120 L Street, NW, Suite 520, Washington, DC, 20037, hereby certify that a copy of the foregoing "Petition for Waiver" was hand-delivered this 4th day of March, 1998, to the following parties:

  
Shelley Bryce

A. Richard Metzger, Chief  
Common Carrier Bureau  
Federal Communications Commission  
1919 M Street, NW, Room 500  
Washington, DC 20554

Robert Spangler  
Acting Chief  
Enforcement Division  
Common Carrier Bureau  
Stop 1600A, Room 6008  
2025 M Street, NW  
Washington, DC 20554

Gregory Lipscomb  
Enforcement Division  
Common Carrier Bureau  
Federal Communications Commission  
1919 M Street, NW, Room 500  
Washington, DC 20554

Rose Crellin  
Enforcement Division  
Common Carrier Bureau  
Federal Communications Commission  
1919 M Street, NW, Room 500  
Washington, DC 20554

ITS  
1919 M Street, NW  
Room 246  
Washington, DC 20554